



**Government
of South Australia**

**Office of the
Treasurer**

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TRS18D2048

Ms Rebecca Puddy
ABC
85 North East Road
COLLINSWOOD SA 5081

A handwritten signature in blue ink that reads "Rebecca".

Dear Ms Puddy

APPLICATION UNDER THE *FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (FOI Act), dated 11 October, 2018.

Your application seeks access to:

"Documents produced between 31 August 2018 and 17 October 2018, specifically correspondence to the Treasurer from the Independent Commission Against Corruption, and correspondence or briefings produced or received by the Treasurer's Office regarding issues raised by the Independent Commission Against Corruption following the public hearing about the evaluation of SafeWork SA."

The purpose of this letter is to advise you of my determination. An extensive search was conducted within this office. A total of 3 documents were identified as answering the terms of your application.

I grant you access in part to 1 document, a copy of which is enclosed; and

I refuse you access to 2 documents.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

Documents refused in full

Documents 2 and 3

These parliamentary briefings notes have been prepared specifically for use in Parliament, the disclosure of which would infringe the privilege of Parliament. I have determined to exempt both documents in full pursuant to clause 17(c) of Schedule 1 to the Act.

Documents refused in part

Document 1 contains a personal mobile number of a person who is no longer in that position. Personal information has been removed, pursuant to clause 6(1) of the FOI Act.

Exemptions

Clause 6 – Documents affecting personal affairs

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.*

Clause 17 – Documents subject to contempt etc

A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—

- (c) infringe the privilege of Parliament*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), the Department of Treasury and Finance is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. Please visit the website for further information.

As I am determining this application as Principal Officer, Section 29(6) of the Act does not provide for an internal review. If you are dissatisfied with my determination you are entitled to exercise your rights of external review with the Ombudsman.

Alternatively, you can apply to the South Australian Civil and Administrative Tribunal. If you wish to seek a review, Section 39(3) of the Act states you must do so within 30 calendar days of receiving the determination

If you require any further information, please contact Vicky Cathro on (08) 8226 1866.

Yours sincerely



Hon Rob Lucas MLC
Principal Officer

15 November 2018

Att.

Schedule of Documents

Doc. No.	Date	Description of Document	# of pages	Determination Recommendation	Exemption Clause	Reason
1	3/09/2018	Email from A/Executive Director, SafeWork SA	3	Released in part	6(1) - Unreasonable disclosure of personal affairs	
2	3/09/2018	Parliamentary Briefing Note (PBN)	6	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament	
3	3/10/2018	Parliamentary Briefing Note (PBN)	4	Refused in full	17(c) - Disclosure would infringe the privilege of Parliament	

Vandenberg, Cristalle (DTF)

From: Soulio, Dini (AGD)
Sent: Monday, 3 September 2018 9:31 AM
To: Hocking, Stuart (DTF); Reynolds, David (DTF); Meador, Caroline (AGD); De Gennaro, Gino (DTF); Vandenberg, Cristalle (DTF); Mikajewski, Nicole (AGD); Carney, Jodeen (AGD); Heggen, Belinda (DPC)
Cc: Osborne, Prema (DTF)
Subject: RE: SWSA - ICAC Evaluation Closing Submissions

Sorry – Channel 10 were there.

Here is a link to the 10 News story.


<https://www.facebook.com/tenadelaide/videos/291331581680672/>

Click 'Not Now' in the pop up and play on the video.

Regards
 Dini

Dini Soulio
 A/Executive Director
 SafeWork SA

Level 4, World Park A, 33 Richmond Road, Keswick

 safework.sa.gov.au 1300 365 255

From: Soulio, Dini (AGD)
Sent: Monday, 3 September 2018 9:27 AM
To: Hocking, Stuart (DTF) <Stuart.Hocking@sa.gov.au>; Reynolds, David (DTF) <David.Reynolds@sa.gov.au>; Meador, Caroline (AGD) <Caroline.Meador@sa.gov.au>; De Gennaro, Gino (DTF) <Gino.DeGennaro@sa.gov.au>; Vandenberg, Cristalle (DTF) <Cristalle.Vandenberg@sa.gov.au>; Mikajewski, Nicole (AGD) <Nicole.Mikajewski@sa.gov.au>; Carney, Jodeen (AGD) <Jodeen.Carney@sa.gov.au>; Heggen, Belinda (DPC) <Belinda.Heggen@sa.gov.au>
Cc: Osborne, Prema (DTF) <Prema.Osborne@sa.gov.au>
Subject: SWSA - ICAC Evaluation Closing Submissions

Hi all

On Friday, Counsel Assisting the Commissioner made her closing remarks and proposed a number of recommendations that the Commissioner may wish to include in his final report. The full transcript should be available today or tomorrow.

Counsel assisting recognised that SWSA has been the subject of a number of reviews and audits including the legal review of investigations and prosecution.

She indicated that currently the culture of the Regulator arm is dysfunctional and that over time it has eroded employee engagement and morale but that Executive and dedicated staff are committed to overcome it.

At a high level, her Recommendations are:

1. Develop and implement as priority a **strategic plan**.
2. Conduct a **full functional analysis of SWSA** to give a full assessment of the functions it provides - this should assist with how to manage priorities and include functions potentially reallocated to other government agencies.
3. Address the **split between the Educator and Regulator**
She noted no formal process of how educator can inform the regulator of issues identified. She understands and accepts that sharing information or intelligence would be contrary to the aim of the educator but the educator could know about a serious risk and not inform the regulator. This situation is untenable. Educator must advise the Regulator.
4. **Governance framework.**
SWSA should create, implement and maintain a complete governance framework
5. **Policy and Procedures - Policy framework.**
There is lack of clarity of what state each document is in and who it applies to. SWSA should establish a consistent practice for review and updates on a structured basis.
6. **Triage**
Process for assessing and allocating work needs to be addressed.
7. **Gifts and Benefits**
Many examples were provided where staff had been offered gifts or subject to the opportunity of grooming. SWSA must have their own gifts and benefits register and trained in its use and it should be made publicly available at the end of each year.
8. **Conflict of Interest Register and training**
Obligation to declare conflicts of interest to be addressed and staff trained accordingly. Many staff have previously worked in the industry that they now regulate. Extremely important that conflicts of interest are managed, including perceived conflicts.
9. **Quality Assurance**
Requirement to oversee and evaluate work of inspectors, use of powers, performance, time sheets accuracy. Recommends:

Number 1:
 - Two inspectors attend all site visits - identify it brings a serious resource issue. And the pairs should be rotated
Number 2
 - Implement body worn cameras - PIRSA, DPTI and SAPOL, ICAC do this. It is safety mechanism, capturing evidence, reducing the risk corruption.
Number 3
 - Inspection reports should accurately and appropriately recorded. Inspection reports uploaded within 2 business days unless there are exceptional circumstances..
Number 4:
 - GPS in all SafeWork vehicles with associated auditing of use of vehicle - ensuring the data is accurate.
Number 5
 - Improve the audit capacity of software system - implement an auditing system for infoNET and JOGET
 - allow for the identification of information that can be audit
Number 6

Team Leader audit

- once each quarter TL should accompany Inspector on their site visit to assist in operation of policies (on-the-job assessment)
- and once each quarter TL should conduct a desktop audit - against standards - creating an audit report.

Number 7

Individual audit

- appoint a person to randomly audit the work of one person over a whole month - contacting PCBU, audit work and body cameras.
- Inspectors would not be aware of the audit

10. Establishment of independent person or **body to oversee the management of SafeWork SA powers.**
Achieved through legislative reform
11. SWSA should be required to produce their own **annual report**
12. **Prosecution matters.**
Investigation and prosecution arrangement were the subject of a comprehensive legal review. The government accepted the 18 recommendations. SWSA are already in the process of implementing and should continue the work until fully implemented. This should address the issues.
13. **Induction new staff and ongoing training**
Induction, training and ongoing training based on roles should be made available.

There were only a couple of people in attendance on Friday other than SWSA and ICAC staff and ABC news were present.

Following the closing remarks the Commissioner invited anyone with an interest to make submissions on the recommendations proposed by Counsel Assisting, or to suggest any other recommendations, by COB 21 September 2018. The Commissioner will then prepare his final report for tabling in parliament. That is anticipated to be the end of October.

Any queries, please let me know.

Regards

Dini

Dini Soulio

A/Executive Director

SafeWork SA

Email: dini.soulio@sa.gov.au

Mb: [REDACTED]